

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

KENDLE R. MCCALEBB  
TX-1334327-L

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DOCKETED COMPLAINT NO.  
08-052

**FINAL ORDER**

On this 20th day of February, 2009, the Board considered the above-noted matter.

After proper notice was given, the above case was heard by an Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH). The ALJ made and filed a proposal for decision containing findings of fact and conclusions of law. The proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. No such exceptions or replies were filed.

The Texas Appraiser Licensing and Certification Board, after review and due consideration of the proposal for decision, attached as Exhibit A hereto, adopts the findings of fact and conclusions of law of the ALJ contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order. All proposed findings of fact and conclusions of law submitted by any party that are not specifically adopted in this Final Order are denied.

NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the license of Kendle R. McCaleb in this matter is hereby **REVOKED**, effective twenty days after the date Kendle R. McCaleb is notified of this Final Order.

If enforcement of this Final Order is restrained or enjoined by an order of a court, this order shall become effective upon a final determination by said court or appellate court in favor of the Texas Appraiser Licensing and Certification Board.

Approved by the Board and Signed this 20th day of February, 2009.

  
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Clinton P. Sayers, Chairperson  
Texas Appraiser Licensing and Certification Board

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

January 23, 2009

**RECEIVED**  
TEXAS REAL ESTATE COMMISSION

JAN 23 2009

CASHIER'S SECTION  
OPERATOR 15

Loretta DeHay  
Interim Administrator  
Texas Appraiser Licensing and Certification Board  
1101 Camino La Costa  
Austin, Texas 78752

**HAND DELIVERY**

RE: Docket No. 329-09-0825; Texas Appraiser Licensing and Certification Board,  
Petitioner v. Kendle Renee McCaleb, Respondent

Dear Ms. DeHay:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Catherine C. Egan", with a long, sweeping flourish extending to the right.

Catherine C. Egan  
Administrative Law Judge

CCE:nl  
Enclosure

xc: Kendle Renee McCaleb, 2012 Riverside Avenue, #B, Rialto, CA 92377 - VIA REGULAR MAIL  
Troy Beaulieu, 1101 Camino La Costa, Austin, TX 78752 - VIA HAND DELIVERY

**SOAH DOCKET NO. 329-09-0825  
(LICENSE NO. TX-1334327-L)**

**TEXAS APPRAISER LICENSING AND  
CERTIFICATION BOARD,**

**Petitioner**

**V.**

**KENDLE RENEE MCCALEBB,**

**Respondent**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

Staff of the Texas Appraiser Licensing and Certification Board<sup>1</sup> (Staff/Board) seeks to revoke the real estate appraiser license issued to Kendle Renee McCaleb (Respondent). Staff alleges that Respondent violated the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE ch. 1103, and the Board's rules by tendering a check as payment to renew her license that was returned for insufficient funds and failing to correct this error after receiving notice from the Staff requesting payment, and for failing to respond to Staff's inquiries. Respondent did not respond to Staff's allegations and did not appear at the hearing. The Administrative Law Judge (ALJ) recommends that Respondent's license be revoked.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

On November 25, 2008, ALJ Catherine C. Egan convened the hearing at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15<sup>th</sup> Street, Fourth Floor, Austin, Texas. Staff Attorney Troy Beaulieu represented Staff. Respondent did not appear and was not represented at the hearing. The record closed on the same day.

After establishing that appropriate notice of the hearing was provided to Respondent and that the Board has jurisdiction, Staff moved for a default. In accordance with 1 TEX. ADMIN. CODE § 155.501, the allegations in Staff's notice of hearing were accepted as true and the default was granted.

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<sup>1</sup> The Texas Appraiser and Licensing Certification Board is an independent subdivision of the Texas Real Estate Commission. TEX. OCC. CODE § 1103.051.

## II. RECOMMENDATION

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 TEX. ADMIN. CODE § 155.501, the ALJ granted Staff's motion for default, and recommends that Respondent's real estate appraiser license be revoked.

## III. FINDINGS OF FACT

1. Kendle Renee McCalebb (Respondent) holds real estate appraiser license number TX-1334327-L (license) issued by the Texas Appraiser License and Certification Board (Board).
2. On May 17, 2006, Respondent submitted a check to the Board to pay her license renewal fees.
3. On June 30, 2006, the Board notified Respondent by certified mail sent to her last known business address as shown in the Board's records that her check had been returned due to insufficient funds, and informing her that she had to submit payment to the Board within thirty days.
4. The Board provided Respondent an opportunity to respond to Staff's complaint that she had submitted a check for her renewal license that was returned for insufficient funds, and requested she provide certain documents to the Board.
5. Respondent failed to timely submit payment to renew her license or to respond to the Board's inquiries.
6. Respondent's last address of record with the Board is: 2012 Riverside Avenue #B, Rialto, California 92377.
7. On October 21, 2008, Staff sent Respondent its Original Statement of Charges (allegations) by certified mail to her last address of record on file with the Board.
8. On October 23, 2008, Staff sent its notice of hearing by certified mail to Respondent at her last known address of record on file with the Board.
9. The hearing notice contained a statement of the time, place, and nature of the hearing; a statement of legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.


10. The notice of hearing, in at least 12-point bold-faced font, notified Respondent that failure to appear at the hearing would result in the original statement of charges being admitted as true, the relief sought by the Board being granted, and a default judgment being taken against her.
11. The hearing on the merits convened on November 25, 2008, at the State Office of Administrative Hearings, William B. Clements Building, 300 West 15th Street, Austin, Texas.
12. Staff appeared at the hearing through Staff Attorney Troy Beaulieu. Neither Respondent nor Respondent's counsel appeared at the hearing.
13. Respondent did not answer Staff's allegations and did not file any responsive pleading whatsoever.
14. Staff moved for default, which was granted following the admission of evidence establishing proper jurisdiction and notice.

#### IV. CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board (Board) has jurisdiction over this matter. TEX. OCC. CODE ch. 1103.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding pursuant to TEX. OCC. CODE § 1103.508, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. chs. 2001 and 2003.
3. Pursuant to TEX. OCC. CODE § 1103.403, Respondent was required to notify the Board of any change of her office address not later than the 10th day after the date she moved from a previously designated address.
4. Pursuant to 22 TEX ADMIN. CODE § 157.9(b), service of the notice of hearing upon Respondent was complete and effective upon proper mailing of the notice by certified mail to Respondent's most recent address as shown in the Board's records.
5. Staff provided proper notice of hearing to Respondent's most recent address in the Board's records. TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052 and TEX. OCC. CODE § 1103.502.
6. Based on the above Findings of Fact, Respondent failed to make a payment within thirty days of the Board's notice of her returned check and request for payment, and failed to respond to the Board's inquiries in violation of 22 TEX. ADMIN. CODE §§ 153.20(a)(15), 153.20(a)(2), and 153.22.
7. The Board is authorized to suspend or revoke the Respondent's appraiser license for violation of the Board's rules. TEX. OCC. CODE § 1103.518(2)(B).

8. Based on the above Findings of Fact and Conclusions of Law, the Board should revoke Respondent's real estate appraiser license.

SIGNED January 23, 2009.



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CATHERINE C. EGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS